

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DONALD E. MITCHELL, JR.,

Plaintiff,

v.

NEVADA DEPARTMENT OF
CORRECTIONS et al.,

Defendants.

2:16-cv-00037-RFB-NJK

ORDER

This is an action on a civil rights complaint pursuant to 42 U.S.C. § 1983, removed from state court. The Court entered a screening order on October 5, 2016. (ECF No. 21). The screening order imposed a 90-day stay and the Court entered a subsequent order in which the parties were assigned to mediation by a court-appointed mediator. (ECF No. 21, 24). The Office of the Attorney General has filed a status report indicating that settlement has not been reached and informing the Court of its intent to proceed with this action. (ECF No. 31).

IT IS THEREFORE ORDERED that:

1. The Clerk of the Court shall electronically **SERVE** a copy of this order and a copy of Plaintiff's amended complaint (ECF No. 15) on the Office of the Attorney General of the State of Nevada, attention Kat Howe.

2. Subject to the findings of the screening order (ECF No. 21), within **twenty-one (21) days** of the date of entry of this order, the Attorney General's Office shall file a notice advising the Court and Plaintiff of: (a) the names of the defendants for whom it accepts service; (b) the names of the defendants for whom it does not accept service, and (c) the names of the defendants for whom it is filing the last-known-address information under seal. As to any of the named defendants for whom the Attorney General's Office cannot accept

1 service, the Office shall file, *under seal*, but shall not serve the inmate Plaintiff the last known
2 address(es) of those defendant(s) for whom it has such information. If the last known address
3 of the defendant(s) is a post office box, the Attorney General's Office shall attempt to obtain
4 and provide the last known physical address(es).

5 3. If service cannot be accepted for any of the named defendant(s), Plaintiff shall
6 file a motion identifying the unserved defendant(s), requesting issuance of a summons, and
7 specifying a full name and address for the defendant(s). For the defendant(s) as to which the
8 Attorney General has not provided last-known-address information, Plaintiff shall provide the
9 full name and address for the defendant(s).

10 4. If the Attorney General accepts service of process for any named defendant(s),
11 such defendant(s) shall file and serve an answer or other response to the complaint within
12 **sixty (60) days** from the date of this order.

13 5. Henceforth, Plaintiff shall serve upon defendant(s) or, if an appearance has been
14 entered by counsel, upon their attorney(s), a copy of every pleading, motion or other document
15 submitted for consideration by the Court. Plaintiff shall include with the original document
16 submitted for filing a certificate stating the date that a true and correct copy of the document
17 was mailed or electronically filed to the defendants or counsel for the defendants. If counsel
18 has entered a notice of appearance, Plaintiff shall direct service to the individual attorney
19 named in the notice of appearance, at the physical or electronic address stated therein. The
20 Court may disregard any document received by a district judge or magistrate judge which has
21 not been filed with the Clerk of the Court, and any document received by a district judge,
22 magistrate judge, or the Clerk of the Court which fails to include a certificate showing proper
23 service.

24 DATED: January 23, 2017

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28 Nancy J. Koppe
United States Magistrate Judge